

House File 416 - Introduced

HOUSE FILE 416

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A BILL FOR

1 An Act relating to immunity from civil liability for certain
2 persons for acts occurring during a clean-up effort
3 following a disaster.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **613.17A Disaster response immunity.**

2 1. For purposes of this section:

3 *a. "Clean-up effort"* means an effort following a disaster to
4 remove storm debris, fallen trees, damaged vehicles, or home
5 debris from damaged or destroyed homes.

6 *b. "Disaster"* means the same as defined in section 29C.2.

7 *c. "Nonprofit organization"* means an organization qualifying
8 under section 501(c)(3) of the Internal Revenue Code as an
9 organization exempt from federal income tax under section
10 501(a) of the Internal Revenue Code.

11 *d. "Property owner"* means a person who owns, leases, or is
12 otherwise in lawful possession of real property.

13 2. A nonprofit organization or a volunteer of a nonprofit
14 organization that participates without compensation in a
15 clean-up effort shall be immune from civil liability for
16 reasonable acts undertaken in good faith that result in damage
17 to property.

18 3. A property owner shall be immune from civil liability
19 for all claims arising from or related to injury or damage
20 a nonprofit organization or a volunteer of a nonprofit
21 organization incurs while participating in a clean-up effort on
22 the property of the property owner, provided that the injury or
23 damage was not the result of an act or omission by the property
24 owner which the property owner knew, or had reasonable cause to
25 believe, would result in injury or damage.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill relates to immunity from civil liability for
30 certain persons for acts occurring during a clean-up effort
31 following a disaster.

32 The bill defines "clean-up effort" as an effort following
33 a disaster to remove storm debris, fallen trees, damaged
34 vehicles, or home debris from damaged or destroyed homes. The
35 bill defines "disaster" as man-made and natural occurrences,

1 such as fire, flood, drought, earthquake, tornado, windstorm,
2 hazardous substance or nuclear power plant accident or
3 incident, which threaten the public peace, health, and safety
4 of the people or which damage and destroy public or private
5 property. "Disaster" includes attack, sabotage, or other
6 hostile action from within or without the state. The bill
7 defines "property owner" as a person who owns, leases, or is
8 otherwise in lawful possession of real property.

9 The bill provides that a nonprofit organization or a
10 volunteer of a nonprofit organization that participates
11 without compensation in a clean-up effort is immune from civil
12 liability for reasonable acts undertaken in good faith which
13 result in damage to property.

14 The bill also provides that a property owner is immune from
15 civil liability for all claims arising from or related to
16 injury or damage a nonprofit organization or a volunteer of a
17 nonprofit organization incurs while participating in a clean-up
18 effort on the property of the property owner, provided that the
19 injury or damage was not the result of an act or omission by the
20 property owner which the property owner knew, or had reasonable
21 cause to believe, would result in injury or damage.